

REMARKS

A. Claims 1, 2, 25 and 26 Are Patentable over Roychowdhury and Goicoechea

The Office rejects claims 1, 2, 25, and 26 as being obvious over US 6,027,529 to Roychowdhury in view of US 5,716,365 to Goicoechea. Applicant respectfully traverses.

The Office's rejection is premised on the notion that "the weld of Roychowdhury and the knot of Goicoechea are viewed as well known equivalents for securing strands together." Action at 4. This premise allows the Office to contend that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Roychowdhury to use knots instead of a weld since it has been held that a mere simple substitution of one known element (securing element) for another will yield predictable results." *Id.* However, that premise conflicts with Roychowdhury's teachings.

Roychowdhury makes clear that the only acceptable connection technique is one that **fixes** the position of the two crossed wires with respect to each other, such as resistance welding, laser welding, ultrasonic welding, induction welding, braising, soldering (3:10-15; 9:5-30), electron beam welding, arc welding, sinter bonding or solid state diffusion bonding, friction welding, and explosive bonding based on pressure shock waves (9:31-39). The bond created between the crossed strands using these permanent connection techniques provides "a radial stiffness" that is "[a] salient advantage of the invention" and "enables a winding of helical strands 32 at substantially reduced braid angles." 6:29-31. The strength of those bonds is important because Roychowdhury's welded locations are intermittent and used "at selected crossing or intersections, to provide weld patterns that enhance radial rigidity without significantly reducing axial bending flexibility," 10:21-26; *see also* 10:26-32.

Nothing in Roychowdhury suggests that these results could be met by using Goicoichea's suture material to tie the relevant crossed strands together. Nothing in Goicoechea teaches or suggests that such a tie could immobilize two crossed strands and achieve the structural results of enhanced radial rigidity without significantly reducing axial bending flexibility that is required by the intermittent weld placement scheme set forth in Roychowdhury. To the contrary, Applicant submits that substituting Roychowdhury's welds with Goicoichea's tied sutures would render Roychowdhury unsuitable for its intended purpose.

For at least these reasons, the obviousness rejection of claims 1, 2, 25 and 26 is overcome and should be withdrawn.

B. Claims 12 and 14 Are Patentable over Roychowdhury and Goicoechea and the Ashley Book of Knots

The Office rejects claims 12 and 14 as being obvious over Roychowdhury in view of Goicoechea as applied to claim 1, and further in view of The Ashley Book of Knots. Applicant respectfully traverses. The combination of Roychowdhury and Goicoechea as applied to claim 1 fails for the reasons set forth above. The Ashley Book of Knots does not remedy that failure. Accordingly, the rejection is overcome and should be withdrawn.

C. Conclusion

Claims 1, 2, 12, 14, 25 and 26 are in condition for allowance. Should Examiner Erez have any questions, comments, or suggestions relating to this application, he is invited to contact Applicant's attorney at (512) 536-3031.

Respectfully submitted,

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